



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.
286093

MEMORANDUM

DATE:

REPLY TO THE ATTENTION OF

SUBJECT: ACTION MEMORANDUM: Request for an Emergency Removal Action at the Des Plaines Street Viaduct Site (Spill ID#) B5LR.

**FROM: Ken Theisen, OSC, Response Section III
Lori Muller, OSC, Response Section II**

**TO: Linda Nachowicz, Chief
Emergency Response Branch II**

**THRU: Charles Gebien, Chief
Emergency Response Section III**

I. PURPOSE

The purpose of this memorandum is to request and document your approval for expending up to \$50,000 to abate a potential imminent and substantial threat to public health, welfare, and the environment posed by the Des Plaines Street Viaduct Site. This memorandum will also document my initial determination that an emergency response was needed and the decision to approve and initiate the removal actions described below. This response action was necessary to mitigate the immediate threat to public health, welfare, and the environment posed by the release of uncontrolled hazardous substances from the Des Plaines Street Viaduct Site.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# IL000510231

The Des Plaines Street Viaduct Site is located under the Des Plaines Street Viaduct at the intersection of N Des Plaines Street and Kinzie Street in Chicago, IL. The Site consists of two abandoned 55 foot semi-trailers containing drummed and containerized wastes confined to a small area under N Des Plaines Street between two active construction sites on property owned by the City of Chicago.

On September 21, 2007 the National Response Center (NRC) received a call from the City of Chicago Department of Environmental Affairs that the two trailers had been abandoned on city property (Incident Report #849498). At the same time the City of Chicago provided a written request to EPA Region 5 for assistance in characterizing and disposing of the wastes. Later that day, OSC Theisen and OSC Muller met with City Environmental Inspectors Kaehler and Shehey and Superfund Technical Assessment and Response Team (START) contractor Gracyzk to conduct a site walk. During the site walk it was observed that no drums were obviously leaking and that the location of the

trailers between two active construction sites provided adequate security for the time being.

On September 24, 2007 OSCs Thiesen and Muller met the Emergency and Rapid Response Services (ERRS) contractor and START contractor to inventory and sample the drums to categorize them for disposal. Only six out of approximately 50 drums contained materials suitable for analytical testing, that being spent activated carbon. The remainder of the drums contained lead acid batteries, PCB and non-PCB light ballasts and capacitors, fluorescent tube bulbs, metallic mercury contained in switches, thermostats and other devices and batteries ranging from lithium to wet alkaline to lead acid. Also in the trailer were other materials commonly classified as universal waste.

For detailed Environmental Justice Criteria (EJ) specific to this Site, see Attachment 2.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR TO THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Site present a release or a threat of release of a CERCLA hazardous substance, and meet the criteria for an emergency removal action provided for in the National Contingency Plan (NCP), 40 CFR § 300.415 (b) (2). These criteria include the following identified below (check applicable):

☒ YES ☐ NO i. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.

Some drums contain metallic mercury and other metal drums contained incompatible chemicals such as lead acid batteries and sodium hydroxides cells.

☐ YES ☒ NO ii. Actual or potential contamination of drinking water supplies or sensitive ecosystems

☒ YES ☐ NO iii. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release

Approximately 50 drums as well as other containers are stored in the trailers. Some metal drums contain both lead acid batteries and sodium hydroxide cells, incompatible with one another and the drum.

☐ YES ☒ NO iv. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate

☐ YES ☒ NO v. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

☒ YES ☐ NO vi. Threat of fire or explosion

Some metal drums contain both lead acid batteries and sodium hydroxide cells, incompatible with one another and the drum.

☒ YES ☐ NO vii. The availability of other federal or state response mechanisms to respond to the release

On September 21, 2007 the City of Chicago provided a written request for assistance to U.S. EPA Region V.

☐ YES ☒ NO viii. Other situations or factors that may pose threats to public health or welfare of the United States or the environment.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on-site, and the potential exposure pathways described in Section II and III above, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, may present/may have presented an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS & ESTIMATED COSTS

☒ Proposed Action Description

The OSC has completed the following emergency removal actions to mitigate threats posed by the presence of drums containing metallic mercury and incompatible chemicals at the Des Plaines Street Viaduct Site:

- ☒ Develop and implement a site health and safety plan;
Provide site security measure and restriction to the hazardous substances on site;
- ☒ Secure, stage, sample and characterize all wastes;
- ☒ Transport and dispose of all hazardous wastes, pollutants and contaminants at an EPA approved facility in accordance with EPA off-site rule 40 CFR 300.440;

3. Analytical/Confirmation samples

Restoration

Other

The removal action will be conducted in a manner not inconsistent with the Nation Contingency Plan (NCP). The OSC has initiated planning for provisions of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal site control.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Removal activities require approximately 5 on-site working days to complete.

2. Estimated Costs

The estimated costs for this removal action are as follows:

ERRS	\$ 40,000	
START	\$ 3,700	
EPA	N/A	
Contingency (15%)	\$ 6,300	
Total	\$ 50,000	(\$ not to exceed 50K for this format)

3. Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complies with to the extent practicable considering the exigencies of the situation. Federal and State ARARs identified for the Site:

x RCRA/TSCA waste characterization requirements for disposal

Other

x Mercury [Air monitoring results were taken using a Lumex® after cleanup, and the results were below the standard recommended by ATSDR.]

VI. EXPECTED CHANGE IN THE SITUATIONS SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the site conditions, the nature of the hazardous substances documented on-site, and the potential exposure pathways to nearby populations described in Sections II and II above, actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, would have presented an imminent and substantial endangerment to public health, welfare, or the environment.

VII. OUTSTANDING POLICY ISSUES

The following remaining policy issues are associated with the site:

☒ None

Policy Issues:

VIII. ENFORCEMENT

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recover are estimated to be \$ 93,090.¹

$$(\$50,000 + \$10,000 \text{ (H.Q.)}) + (55.15\% \times (\$50,000 + \$10,000)) = \$93,090$$

For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum.

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Des Plaines Street Viaduct Site in Chicago, IL, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision was based on the administrative record for the site. Conditions at the Site met the NCP section 300.415 (b) (2) criteria for an emergency removal and I recommend your approval of the removal action.

The total removal action project ceiling if approved will be \$50,000. Of this, an estimated \$ 46,000 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: Michael Hannas ^{for L.N.} DATE: 01/03/08
Chief, Emergency Response Branch II

DISAPPROVE: _____ DATE: _____
Chief, Emergency Response Branch II

Attachments:

1. Administrative Record Index
2. Environmental Justice Analysis
3. Detailed Cleanup Contractor Cost Estimate
4. Independent Government Cost Analysis

cc.

D. Chung, U.S. EPA 5202G
M. Chezick, U.S. DOI, w/o Enf. Addendum
B. Everetts, IL EPA, w/o Enf. Addendum
S. Davis, IL DNR, w/o Enf. Addendum

-7-

BCC PAGE

(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT 1

**ENFORCEMENT ADDENDUM
DES PLAINES STREET VIADUCT SITE
CHICAGO, COOK COUNTY, ILLINOIS**

(REDACTED 1 PAGE)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**



ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD INDEX FOR DES PLAINES STREET VIADUCT SITE CHICAGO, COOK COUNTY, ILLINOIS

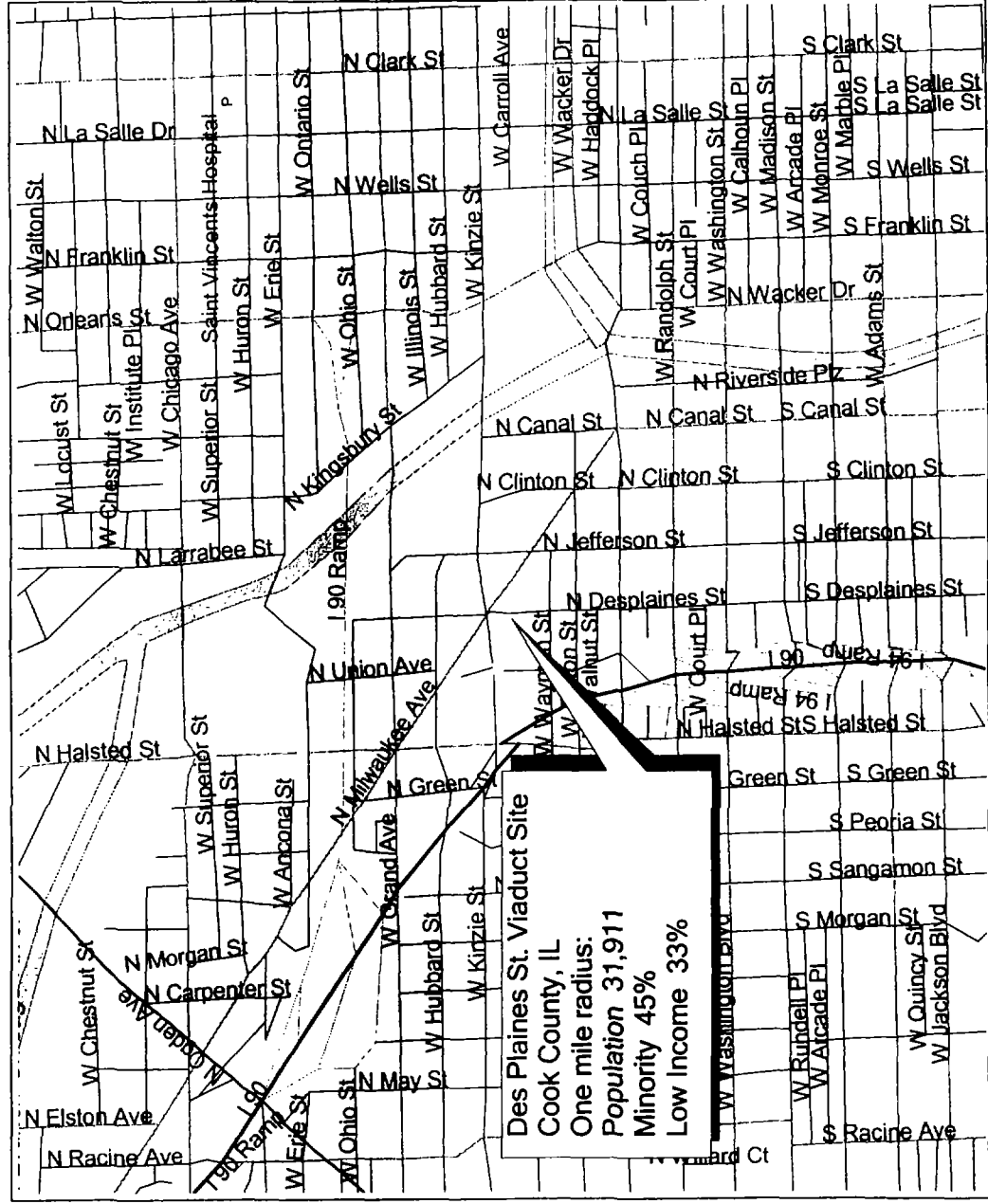
ORIGINAL
NOVEMBER 20, 2007

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	09/26/07	Theisen, K., U.S. EPA	Distribution List	Final POLREP for the the Des Plaines Street Viaduct Site	3
2	00/00/00	Theisen, K. & L. Muller, U.S. EPA	Nachowicz, L., U.S. EPA	Action Memorandum: Request for an Emergency Removal Action at the Des Plaines Street Viaduct Site (PENDING)	

Attachment 3.

Region 5 Superfund EJ Analysis

Des Plaines St. Viaduct Site Chicago, IL



State of Illinois averages:
 Minority: 32%
 Low Income: 27%

U.S. EPA Region 5
 Environmental Justice Case Criteria
 for State of Illinois

Minority: 64% or greater
 Low Income: 54% or greater



2 Miles

1.6

1.2

0.8

0.4

0

ATTACHMENT 4

**DETAILED CLEANUP CONTRACTOR AND START ESTIMATE
DES PLAINES STREET VIADUCT SITE
CHICAGO, COOK COUNTY, ILLINOIS**

SEPTEMBER 2007

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 1 PAGE)

ATTACHMENT 5

**INDEPENDENT GOVERNMENT COST ESTIMATE
DES PLAINES STREET VIADUCT SITE
CHICAGO, COOK COUNTY, ILLINOIS**

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 1 PAGE)